

PTO/SB/21 (08-03)

Approved for use through 08/30/2003. OMB 0651-0031

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<b>TRANSMITTAL FORM</b> (For all correspondence after initial filing)	Application Number	10/723,042	
	Filing Date	26 November 2003	
	First Named Inventor	XIE, Jinchun	
	Art Unit	1645	
	Examiner Name	Not Yet Assigned	
Total Number of Pages in This Submission	174	Attorney Docket Number	NLP-0202-US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
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<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	19 non-U.S. patent references (150 pages)
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks	1 unpublished U.S. patent app. (17 pages)
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Michael D. Van Loy, Registration No. 52,315 Skymoon Research and Development, Customer No. 39368
Signature	
Date	17 February 2005

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Nyssa Brennan		
Signature		Date	17 February 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **XIE, Jinchun**

Group Art Unit: **1645**

Application Number: **10/723,042**

Examiner: **Not Yet Assigned**

Filed: **26 November 2003**

For: **Optical *in vivo* probe of analyte  
concentration within the sterile  
matrix under the human nail**

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. §§ 1.97 and 1.98, and in compliance with the duty of disclosure set forth in 37 C.F.R. § 1.56, applicants are submitting herewith lists of references on attached forms SB\08A and SB\08B for consideration and to be made of record herein by the U.S. Patent and Trademark Office in the above-captioned application. Copies of cited non-U.S. Patent references are included herewith per 37 C.F.R. §1.98(a)(2).

Additionally, Applicant wishes to inform the Examiner of the existence of the following co-pending and as yet unpublished U.S. patent application, a copy of which is included herewith in accordance with 37 C.F.R. §1.98(a)(2)(iii): U.S. Patent Application No. 10/787,909 filed 24 February 2004, in the name of Jinchun XIE and entitled “Anti-Stokes Raman *in Vivo* Probe of analyte concentrations through the human nail” (agent docket: NLP-0301-US).

Applicant submits that this application, as well as published U.S. Patent Application Publication No. US-20050027176A1 (cited herein on form SB/08A) were both owned, by reason of an obligation to assign, by the assignee of the instant application, Skymoon Research and Development, at the time of conception of the invention claimed in the instant application. As such, under 35 U.S.C. §103(c), neither the 10/787,909 nor the US-20050027176A1 application is applicable as prior art against the present invention.

Consideration of the foregoing plus the prompt return of a copy of the enclosed Form PTO-1449 with the Examiner's initials in the left column in accordance with MPEP 609 are respectfully requested.

The Examiner is invited to call the undersigned at the number provided if any issues arising in connection with the above-referenced this application may be dispensed of by telephone conference. In accordance with 37 C.F.R. § 1.97(b)(3), this Information Disclosure Statement is believed to be submitted prior to issuance of a first Office Action. Therefore, it is respectfully submitted that no fee is required for consideration of this information. However, in the event any fee is deemed necessary, the Commissioner is authorized to charge the undersigned's Deposit Account No. 50-2559.

Respectfully submitted,

Dated: 17 February 2005

**Customer Number: 39368**


Skymoon Research and Development

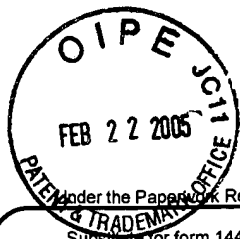
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Substitute for form 1449/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 3

**Complete if Known**

Application Number	10/723,042
Filing Date	26 November 2003
First Named Inventor	XIE, Jinchun
Art Unit	1645
Examiner Name	Not Yet Assigned
Attorney Docket Number	NLP-0202-US

**U. S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	1	US- 5,553,616	09-10-1996	HAM et al	
	2	US- 5,615,673	04-01-1997	BERGER et al	
	3	US- 5,754,289	02-09-1999	OZAKI et al	
	4	US- 5,870,188	05-19-1998	OZAKI et al	
	5	US- 6,181,957B1	01-30-2001	LAMBERT et al	
	6	US- 6,289,230B1	09-11-2001	CHAIKEN et al	
	7	US- 6,292,686B1	09-18-2001	CHAIKEN et al	
	8	US- 6,389,306B1	05-14-2002	CHAIKEN et al	
	9	US- 20050027176A1	02-03-2005	XIE	
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**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>		<b>Complete if Known</b>	
		Application Number	10/723,042
		Filing Date	26 November 2003
		First Named Inventor	XIE, Jinchun
		Art Unit	1645
		Examiner Name	Not Yet Assigned
Sheet 2	of 3	Attorney Docket Number	NLP-0202-US

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	10	DOU, Xiamong et al, "Biological Applications of Anti-Stokes Raman Spectroscopy...", Applied Spectroscopy, Vol. 50, No. 10, p1301-06, 1996	
	11	DOU, Xiamong et al, "Quantitative Analysis of Metabolites in Urine by Anti-Stokes Raman...", Biospect, Vol. 3, p113-120, 1997	
	12	ZIERLER, Kenneth, "Whole Body Glucose Metabolism," American Journal of Physiology, Vol. 276, pE409-E426, 1999	
	13	COTÉ, Gerard L., "Noninvasive and Minimally-Invasive Optical Monitoring Technologies," Journal of Nutrition, American Society for Nutritional Sciences, Vol. 0022-3166/01, 2001	
	14	HANLON, E.B. et al, "Prospects for in vivo Raman Spectroscopy," Phys. Med. Biology, Vol. 45, pR1-R59, 2000	
	15	BERGER, Andrew J. et al, "Multicomponent Blood Analysis by Near-Infrared Raman Spectroscopy," Applied Optics, Vol. 38, No. 13, p2916-2926, 1999	
	16	ENEJDER, Annika M.K., et al, "Blood Analysis by Raman Spectroscopy," Optics Letters, Vol. 27, No. 22, 2002	
	17	FARIA, D.L.A. et al, "Raman Spectra of Human Skin and Nail Excited in the Visible Region," Journal of Raman Spectroscopy, Vol. 30, p169-171, 1999	
	18	BARAGA, Joseph J., et al, "Rapid Near-Infrared Raman Spectroscopy of Human Tissue with a Spectrograph and CCD Detector," Applied Spectroscopy, Vol. 46, No. 2, 1992	
	19	Chaiken, Joseph, et al, "Noninvasive Blood Analysis by Tissue Modulated NIR Raman Spectroscopy," Proceedings of SPIE, Vol. 4368, 2001	

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Substitute for form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>		<b>Complete if Known</b>	
		Application Number	10/723,042
		Filing Date	26 November 2003
		First Named Inventor	XIE, Jinchun
		Art Unit	1645
		Examiner Name	Not Yet Assigned
Sheet 3	of 3	Attorney Docket Number	NLP-0202-US

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	20	GELADI, Paul, et al, "Partial Least-Squares Regression: A Tutorial," Analytica Chimica Acta, vol. 185, p1-17, 1986	
	21	GOETZ, Marcel J. Jr., et al, "Application of a Multivariate Technique to Raman Spectra...", IEEE Transactions on Biomedical Engineering, Vol. 42, No. 7, 1995	
	22	WOLFRAM-GABEL, R. et al, "Vascular Networks of the Periphery of the Fingernail," Journal of Hand Surgery, British & European Vol. 20B, p488-492, 1995	
	23	MASCARO, Stephen A., et al, "Understanding of Fingernail-Bone Interaction and Fingertip Hemodynamics...", 10th Symposium on Haptic Interfaces, p106-113, 2002	
	24	MASCARO, Stephen A. et al, "Photoplethysmograph Fingernail Sensors for Measuring Finger Forces...", IEEE Transactions on Robotics and Automation, Vol 17, No. 5, p698-708, 2001	
	25	BRANDENBURG, K., et al, "Vibrational Spectroscopy of Carbohydrates and Glycoconjugates," Handbook of Vibrational Spectroscopy, Vol. 5, p3481-3507, 2000	
	26	OHMI, Masato, et al, "In Vitro Simultaneous Measurement of Refractive Index and Thickness...", IEEE Transactions on Biomedical Engineering, Vol. 47, No. 9, p1266-1270, 2000	
	27	MATHLOUTHI, Mohamed, et al, "Vibrational Spectra of Carbohydrates," Advances in Carbohydrate Chemistry and Biochemistry, Vol. 44, p7-89, 1986	
	28	WILLIAMS, A.C., et al, "Raman Spectra of Human Keratotic Biopolymers: Skin, Callus, Hair and Nail," Journal of Raman Spectroscopy, Vol. 25, p95-98, 1994	

Examiner Signature		Date Considered	
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